

# Memorandum

Date : JUN 26 2009

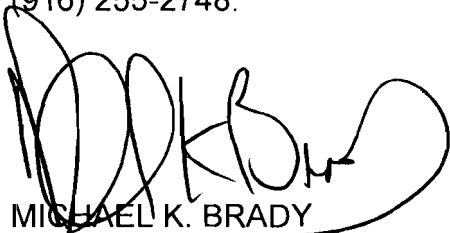
To : Mike Minor  
Superintendent  
N.A. Chaderjian Youth Correctional Facility

Subject : **PRELIMINARY REPORT OF GRIEVANCES AT N.A. CHADERJIAN YOUTH  
CORRECTIONAL FACILITY**

The Office of Audits and Compliance (OAC), Compliance/Peer Review Branch, in conjunction with the Farrell Task Force conducted a compliance review at N.A. Chaderjian Youth Correctional Facility (NACYCF) during the period of May 18 through 22, 2009. The review was to assess NACYCF's level of compliance with the terms and conditions of departmental policy and standards and the Safety and Welfare Remedial Plan as it relates to Grievances.

As mentioned in the engagement memorandum and discussed at the exit conference, a corrective action plan, including time frames, target dates, and/or rebuttals, should be received within 30 days from the date of this preliminary report.

If you should have any questions, please contact Gil DeLyon, Captain, OAC, at (916) 255-2748.

A handwritten signature in black ink, appearing to read 'MKB', is written over the typed name of Michael K. Brady.

MICHAEL K. BRADY  
Chief of Court Compliance  
Division of Juvenile Justice

Attachment

cc: Bernard Warner, DJJ  
Sandra Youngen, DJJ  
Brigid Hanson, DJJ  
Doug McKeever, DJJ  
Tammy McGuire, DJJ  
Maria Cisneros, DJJ  
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Richard Krupp, OAC  
Gil DeLyon, OAC



Prepared by:

California Department of Corrections and Rehabilitation  
Office of Audits and Compliance

# Preliminary Report

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May 2009

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## GRIEVANCES

Division of Juvenile Justice, Safety and Welfare Remedial Plan: Youth Grievance Temporary Departmental Order 07-92, Special Master Reports, and the Court Appointed Experts Reports.

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Office of Audits and Compliance Staff  
Gil DeLyon, Captain

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# TABLE OF CONTENTS

## PAGE

EXECUTIVE SUMMARY .....	1
BACKGROUND .....	2
FINDINGS AND RECOMMENDATIONS.....	4
GLOSSARY.....	18

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## EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) reviewed N.A. Chaderjian Youth Correctional Facility's (NACYCF) Youth Grievance Temporary Departmental Order (TDO) 07-92, Staff Misconduct Complaint TDO 07-93, and the Safety and Welfare Remedial Plan, Sections: 8.5 (Grievances), to determine whether NACYCF is in compliance with the policies and identified areas outlined in the Safety and Welfare Remedial Plan.

The review of the Safety and Welfare Remedial Plan was conducted during the period was May 18 through 22, 2009. During this period, the CPRB reviewed electronic mail and memo correspondence, Ward Information Network (WIN) documentation, time frames, corrective action, training records, and monthly grievance reports submitted to the Division of Juvenile Justice (DJJ) Central Office by NACYCF.

The finding is as follows:

NACYCF is in partial compliance with grievances, outlined in the Safety and Welfare Remedial Plan, Section 8.5, Item 11a.

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## BACKGROUND

On November 19, 2004, a Consent Decree was entered upon in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the DJJ, to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the six Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in substantial compliance 85 percent and above, partial compliance 84 percent to 50 percent and non-compliance 49 percent and below. Items that result in a yes or no compliance level will be rated as substantially compliant or non-compliant. Items that cannot be rated will be categorized as not ratable. Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. In some instances, a narrative rating system will be used to evaluate compliance or simply a compliance/non-compliance rating will be assessed.

The specific objective of the review was to:

- Verify whether NACYCF was in compliance with grievances, as outlined in the Safety and Welfare Remedial plan.

The CPRB determined whether the objectives were met by reviewing:

- Safety and Welfare Remedial Plan;
- Audit reports prepared by Court appointed experts;
- Audit reports prepared by the Special Master;
- Policies and TDO's;
- Correspondence between Central Office and facilities (electronic mail, memos, corrective action plans, etc);

- Monthly grievance and trend reports;
- Staff training records; and
- Information obtained through staff and youth interviews.



## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewers Comments
166	8.5	11a	<p><b>Action Item:</b></p> <p>All direct care staff trained in grievance system.</p> <p><b>Methodology:</b></p> <p>Interviewed the Facility Training Officers.</p> <p>Collected NACYCF Grievance/Staff Misconduct block training records for July 1, 2008, July 3, 2008, and July 11, 2008.</p> <p>Cross referenced NACYCF training records with the direct care staff roster.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 45.</p>		X			<p><b>Partial Compliance</b></p> <p>Not all direct care staff were trained in the grievance system.</p> <p><b>Cause:</b></p> <p>The tracking system at NACYCF is not user friendly and could not clearly identify staff that failed to attend mandated training.</p> <p>Supervisors and Managers were unable to hold staff accountable for failure to attend training, as the system did not provide sufficient notification.</p> <p>DJJ was running two transitional five week</p>	<p>1) Create a training/tracking system that surveys attendance, classification, and section (Security, Education, Healthcare, etc.). The system should be able to provide a percentage for each classification and/or section that is required to participate in the training.</p> <p>2) Training Officers track mandated staff training and notify Supervisors and Managers when staff fail to attend.</p> <p>3) Supervisors and Managers hold staff accountable for failure to attend mandated training.</p> <p>4) Provide additional make-up training if needed.</p>	<p>The NACYCF training records were provided in alphabetical order, without consideration of section or classification. The Court appointed expert was specific, in that he required training records to be broken down by:</p> <p>1) Which classifications were mandated to participate in the selected training.</p> <p>2) What percentage of each individual classification and/or section received that training.</p> <p>NACYCF's present training records are limited in their ability to provide the proof of</p>

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewers Comments
			Safety and Welfare Remedial Plan, July 10, 2006, page 72.					academies for peace officer staff (June and July 2008), in preparation for possible facility closures and layoffs. This explains the high number of peace officers that did not attend the mandated Grievance/Staff Misconduct training.		practice required by the Court appointed expert.

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
151	8.5	1	<p><b>Action Item:</b></p> <p>Forms available without assistance in all units.</p> <p><b>Methodology:</b></p> <p>The CPRB visited all 11 living units.</p> <p>Reviewed the grievance folders: Grievances, Staff Misconduct, and Emergency Grievances.</p> <p>Interviewed living unit staff, youth, and the Grievance Clerks.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 6.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
152	8.5	2	<p><b>Action Item:</b></p> <p>Lock box for grievances in all living units.</p> <p><b>Methodology:</b></p> <p>The CPRB visited all 11 living units.</p> <p>Viewed grievance lock boxes on all living units.</p> <p>Interviewed living unit staff, youth, and the Grievance Clerks.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 6.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				Grievance lock boxes have been on the NACYCF living units since approximately December 2007.

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
153	8.5	3	<p><b>Action Item:</b></p> <p>Grievance clerk ensures adequate supply of forms; educates/assists in process.</p> <p><b>Methodology:</b></p> <p>The CPRB visited all 11 living units.</p> <p>Reviewed the grievance folders: Grievances, Staff Misconduct, and Emergency Grievances.</p> <p>Collected the Youth Grievance Clerk duty statement.</p> <p>Interviewed living unit staff, youth, and Grievance Clerks.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 10.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
154	8.5	4	<p><b>Action Item:</b></p> <p>Notice of receipt of grievance or allegation of misconduct.</p> <p><b>Methodology:</b></p> <p>Interviewed Facility Grievance Coordinator.</p> <p>Collected notices of receipts for grievances and allegations of staff misconduct.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 12.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
155	8.5	5a	<p><b>Action Items:</b></p> <p>Facility Grievance Coordinator prepares monthly reports.</p> <p><b>Methodology:</b></p> <p>Interviewed Facility Grievance Coordinator.</p> <p>Reviewed monthly reports submitted by facilities to Central Office and collected reports as proof of practice (March 2009).</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 43.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				<p>Each facility has one or more Grievance Coordinators who are required to prepare monthly reports on grievances and grievance trends for use by the Superintendent and his/her management team.</p> <p>The Facility Grievance Coordinator is responsible for sending monthly reports to Central Office. These reports contain the monthly total of NACYCF's staff misconduct, grievances, and trends.</p>

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
156	8.5	5b	<b>Action Item:</b>  Design of grievance reports developed with the Court appointed expert.  <b>Criteria:</b>  Policy not required.				X	<b>Not Ratable</b> - This is a Central Office function.
157	8.5	5c	<b>Action Item:</b>  Superintendent reviews all allegations of staff misconduct.  <b>Methodology:</b>  Interviewed Facility Grievance Coordinator.  Collected copies of the Superintendent's "Staff Misconduct Complaint Review" forms with the Superintendents signature.  <b>Criteria:</b>  Policy not required.	X				When allegations of staff misconduct reviews take place, the Superintendent sends a copy of the inquiry report to the Director's office and places a hard copy in a designated facility file.  The Director's office makes the final decision on alleged staff misconduct inquiries.



## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
158	8.5	6	<p><b>Action Item:</b></p> <p>Process developed to address abuse of grievance system.</p> <p><b>Methodology:</b></p> <p>Interviewed Facility Grievance Coordinator.</p> <p>Collected notices that the WIN system generates to track abuse of the grievance system by youths.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 7.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				<p>Any recorded abuse of the grievance system generates a notice through the WIN system. The notice identifies the abuse and any restriction.</p> <p>At this time, NACYCF has no recorded abuse of the grievance system.</p> <p>Additionally, the Wards with Disabilities Coordinator, Grievance Coordinator, and the staff assistant are available to assist youths with disabilities to understand the grievance system and the process needed to file grievances.</p>

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
159	8.5	7a	<p><b>Action Item:</b></p> <p>Weekly and monthly monitoring reports automated.</p> <p><b>Methodology:</b></p> <p>Interviewed Facility Grievance Coordinator.</p> <p>Collected reports that the WIN system generates. Reviewed scanned copies that track all grievances and complaints alleging staff misconduct.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, pages 42 and 44.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				<p>DJJ has developed an automated system.</p> <p>Facilities scan, track, and monitor all grievances and complaints alleging staff misconduct, as well as, compiling data to present to local management.</p> <p>Central Office has developed queries for the WIN system that help facility grievance coordinators monitor grievances, collect data, and complete their monthly reports.</p>

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
160	8.5	7b	<p><b>Action Item:</b></p> <p>Intervention strategies developed in response to trends.</p> <p><b>Methodology:</b></p> <p>Interviewed Facility Grievance Coordinator.</p> <p>Reviewed and collected electronic mail and memo correspondence discussing trends between NACYCF and Central Office.</p> <p>Reviewed the standardized trend reporting form and collected scanned copies of grievances, emergency grievances, and alleged staff misconduct grievances.</p> <p><b>Criteria:</b></p> <p>TDO 07-92, page 43.</p> <p>Safety and Welfare Remedial Plan, July 10, 2006, page 71.</p>	X				<p>The facility scans, tracks, and monitors allegations of staff misconduct.</p> <p>Central Office has the ability to monitor all grievances and complaints alleging staff misconduct through the WIN system.</p>

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
161	8.5	8a	<b>Action Items:</b>  Central Office review of grievance response/timeframes.  <b>Criteria:</b>  TDO 07-92, page 44.  Safety and Welfare Remedial Plan, July 10, 2006, page 72.				X	<b>Not Ratable</b> - This is a Central Office function.
162	8.5	8b	<b>Action Item:</b>  Central Office collection and evaluation of grievance data.  <b>Criteria:</b>  TDO 07-92, page 44.  Safety and Welfare Remedial Plan, July 10, 2006, page 72.				X	<b>Not Ratable</b> - This is a Central Office function.

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
163	8.5	8c	<b>Action Item:</b>  Central Office assistance in corrective action plans.  <b>Criteria:</b>  Policy not required.  Safety and Welfare Remedial Plan, July 10, 2006, page 72.				X	<b>Not Ratable</b> - This is a Central Office function.
164	8.5	9	<b>Action Item:</b>  Standard duty statement for grievance coordinator.  <b>Methodology:</b>  Interviewed DJJ staff.  Collected duty statements for the Facility Grievance Coordinator. The duty statement listed the responsibilities and requirements of the position.  <b>Criteria:</b>  Procedure not policy.	X				Central Office provided the Division Grievance Coordinators duty statement and the Facility Grievance Coordinators duty statements; listing the responsibilities and requirements of the positions.

## CPRB Remedial Site Compliance Report

DJJ #	Section #	Item	Action Items & Reviewing Method	SC	PC	NC	NR	Reviewers Comments
167	8.5	11b	<b>Action Item:</b>  Grievance coordinators trained for duties.  <b>Criteria:</b>  TDO 07-92, page 45.  Safety and Welfare Remedial Plan, July 10, 2006, page 72.				X	<b>Not Ratable</b> - This is a Central Office function.

**Review of the Safety and Welfare Remedial Plan**  
**N.A. CHADERJIAN YOUTH CORRECTIONAL FACILITY**

**GLOSSARY**

<b>CPRB</b>	Compliance/Peer Review Branch
<b>DJJ</b>	Division of Juvenile Justice
<b>NACYCF</b>	N.A. Chaderjian Youth Correctional Facility
<b>TDO</b>	Temporary Departmental Order
<b>WIN</b>	Ward Information Network